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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/556,725	04/21/2000	Thomas Anthony Cofino	YOR9-2000-0148US1	6637

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SCULLY, SCOTT, MURPHY & PRESSER
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SUITE 300
GARDEN CITY, NY 11530

EXAMINER

NGUYEN, NGA B

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 09/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/556,725

Applicant(s)

COFINO ET AL.

Examiner

Nga B. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is the answer to the Appeal Brief filed on January 9, 2006, which paper has been placed of record in the file.
2. Claims 1-35 are pending in this application.


Response to Appeal Brief

3. In view of the Appeal Brief filed on January 9, 2006, PROSECUTION IS HEREBY REOPENED. A new ground of rejections is set forth below.
4. To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:


HYUNG SONGH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tedeschi, "New Tools Make It Easier to Find the Lowest Price", The New York Times Company, in view of Ojha et al (hereinafter Ojha), U.S. Patent No. 6,598,026.

Regarding to claim 1, Tedeschi discloses a computer-implemented method of doing business on a network comprising:

providing a user with access to a first online store through one or more networks and via an on-screen display, the first online store having one or more products, each with a product description and a price, the product description and price being provided to the user via the on-screen display (page 2, a user visits Amazon.com as a first online store having the book "Harry Potter and the Chamber of Secrets");

receiving one or more selection requests for said one or more product, from the user via the on-screen display, wherein one of the products is a selected product (page 2, the user select the book "Harry Potter and the Chamber of Secrets");

providing a fixed shopping mode, via the on-screen display, wherein said user conducts a product purchase transaction for said selected product via the first online store (page 2, the fixed shopping mode at the Amazon.com); and

providing **a fixed shopping mode** via the on-screen display, where the user initiates a purchase for the selected product from different online stores, other than the first online store (page 2, the user can purchase the selected product from 15 different retailers, e.g. 1Bookstreet.com, other than Amazon.com);

wherein the on-screen display allows the user to being shopping in the fixed shopping mode at the first online store, then initiate the purchase in the fixed shopping mode with different online stores, then elect to return to shopping in the fixed shopping mode of the first online store without being obligated to accept any of the prices provided in the fixed shopping mode of different online stores, but having a choice to select any of the prices provided in the fixed shopping mode of different online stores (page 2, the user has the choice to buy the book at Amazon.com or at different 15 retailers).

Tedeschi does not disclose **providing a dynamic price shopping mode** where the user initiates an auction in real-time for generating bids for the selected product from different online stores. However, providing a dynamic price shopping mode is well known in the art. For example, there are many different auction web sites (eBay, uBid, auction.com, etc,) allow the user to perform dynamic price shopping mode, where the user can initiates an auction in real-time for generating bids fro the selected product. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Tedeschi's to add the well known dynamic price shopping mode as described above, for the purpose of allowing the user to obtain a better price for the selected product via the auction, because auction is a special mode of purchase

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in which the user can submit bids in order to purchase a product with a better price. In Tedeschi, the agent companies like ClickTheButton, DealPilot and RUSure have developed software that scans the price of the selected product from various fixed price shopping sites, thus by adding various dynamic price shopping sites in Tedeschi, the agent companies like ClickTheButton, DealPilot and RUSure can also scan the price of the selected product from various dynamic price shopping sites, therefore, the user can obtain a better price for the selected product via the dynamic price shopping sites. Moreover, Ojha discloses providing a dynamic price shopping mode where the user initiates an auction in real-time for generating bids for the selected product from ***different online stores simultaneously*** (column 3, lines 5-20). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Tedeschi's to adopt the teaching of Ojha, for the purpose of increasing the likelihood that at least one of the online stores can offer a price acceptable to the user.

Regarding to claim 2, Tedeschi incorporated with Ojha further disclose wherein the different online stores are provided by a set of pre-registered merchants that agree to provided the bids for the selected product (see Ojha, column 12, lines 9-15, "member merchant").

Regarding to claim 3, Tedeschi incorporated with Ojha further disclose wherein the bids include bid conditions that include any one or more of the following: a selected product price, a shipping method, a shipping time, etc. (Ojha, column 11, 35-50)

Regarding to claims 4-5, Tedeschi incorporated with Ojha further disclose where one or more of the different online stores provides an additional bid for an additional product, other than the selected product; the additional product includes any one or more of the following: a replacement product, an up-sell product, a cross-sell product, etc. (Ojha, column 13, lines 15-45).

Regarding to claim 6, Tedeschi incorporated with Ojha further disclose one or more of the different stores can re-bid to the user after placing their bids (Ojha, column 18, lines 23; the seller's response is a counteroffer).

Regarding to claim 7, Tedeschi incorporated with Ojha further disclose one or more of the selected products is organized in a product ontology (Tedeschi, page 1, product name, price, availability, shipping costs, etc.).

Regarding to claims 8-9, Tedeschi incorporated with Ojha does not disclose the ontology specified one or more attributes of a service; the service includes any one or more of the following: insurance, training, financing, banking, etc. However, such services are well known in the art. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include the above feature in the modified of Tedeschi's by Ojha for the purpose of allowing the user to obtain such service over the network.

Regarding to claims 10-11, Tedeschi incorporated with Ojha further disclose the ontology specified one or more attributes of a product, the attributes include any one or more of the following: a product name, a product manufacturer, a product model number, etc. (Tedeschi, page 2, the book title)

Regarding to claim 12, Tedeschi incorporated with Ojha further disclose the bid condition are presented to the user arranged in an order according to one or more of the attributes (Ojha, figure 5, bids are arranged by price).

Regarding to claim 13, Tedeschi incorporated with Ojha further disclose the auction can be any one or more of the following: a standard auction, a parcel bidding, a Dutch auction, etc. (Ojha, standard auction).

Regarding to claim 14-15, Tedeschi incorporated with Ojha further disclose one or more of the bids are arranged in an order; the order includes any one or more of the following; one or more of the product attributes, a customer satisfaction rating, a price, etc. (Ojha, figure 5, bids are arranged by price).

Regarding to claims 16-17, Tedeschi incorporated with Ojha further disclose one or more of the products is a complex product comprising more than one component; the more than one component is provided by at least two of the different online stores in a joint bid (Ojha, column 17, lines 54-67).

Regarding to claim 18, Tedeschi incorporated with Ojha further disclose one or more of the products includes one or more of the following: a set of one or more of the other products and a service (Ojha, column 13, lines 20-45).

Regarding to claim 19, Tedeschi incorporated with Ojha further disclose personal information about the user is not disclosed to the different online stores when the user initiates the auction (Ojha, figure 14, see "buyer ID").

Regarding to claim 20, Tedeschi incorporated with Ojha further disclose the first online store and the different online stores have been identified and preselected by the user (Tedeschi, page 2, e.g. Amazon.com, 1Bookstreet.com).

Regarding to claim 21, Tedeschi incorporated with Ojha further disclose the bids conform to bid conditions (Ojha, column 11, lines 35-50).

Regarding to claim 22, Tedeschi incorporated with Ojha further disclose the bids are generated, the user has the further choice to select one or more of the bids, and initiate another round of bids from one or more of the different online stores that provided the select one or e more bids (Ojha, column 3, lines 5-20).

Regarding to claim 23, Tedeschi incorporated with Ojha does not disclose a staring price for the bids is a price set by the first online store for the selected product. However, this feature is well known in the art. For example, the hosting website set the starting price of a product for bidding. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include the above feature in the modified of Tedeschi's by Ojha for the purpose of enabling the first online store specifies the price of the product.

Regarding to claim 24, Tedeschi discloses a computer-implemented method for enabling a user to purchase products on a computer network, comprising:

receiving requests for web pages from a web browser running at a user's computer; obtaining the web pages and providing them to the web browser (page 1, the user access a web page using web browser);

monitoring the obtained web pages to determine whether they include a product page that describe a product offered by a first online store (page 1, e.g. ClickTheButton scans various shopping sites for price and delivery data);

when the monitoring determined that the web pages include the product page, parsing the product page to obtain information regarding the product; preparing a ***purchase request*** using the obtained information; wherein a selectable icon displayed on the web browser such that the user has a choice to select the selectable icon to begin a ***purchase process***, or to continue shopping at the first on-line store via the product page; responsive to the user selecting the icon, beginning a purchase process for the product by submitting the purchase request to different online stores other than the first online store; receiving prices for the different online stores for the product, responsive to the purchase request; preparing a purchase list from the received purchases; wherein the purchase list lists information regarding the prices from the different online stores; providing the purchase list to the web browser for display thereon; wherein, upon display of the purchase list, the user has a choice to select one of the purchases in the purchase list to communicate with the online store that made the selected purchase to purchase the product or a comparable product, or to continue shopping that the first on-line store via the product page. (page 2, the user is surfing the Web with ClickTheButton software agent, the user can click a bull's-eye icon in the corner of the screen while viewing a Web page about a particular product, a price comparison page appears listing competitors prices for the item from different online stores, the user can select a particular online store other than first online store to submit

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a purchase request for the selected product, e.g. the user is shopping at Amazon.com for the book "Harry Potter and the Chamber of Secrets", ClickTheButton search yielded price information from 15 retailers includes 1Bookstreet.com, the user can select 1Bookstreet.com store to purchase the book in stead of Amazon.com);

Tedeschi discloses preparing **a purchase request and purchase process** at different online stores **instead of a bid request and bid process** at different online stores. However, preparing **a bid request and bid process** is well known in the art. For example, there are many different auction web sites (eBay, uBid, auction.com, etc,) prepare bid request and bid process and allow the user to perform dynamic price shopping mode, where the user can initiates an auction in real-time for generating bids fro the selected product. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Tedeschi's to add the well known dynamic price shopping mode as described above, for the purpose of allowing the user to obtain a better price for the selected product via the auction, because auction is a special mode of purchase in which the user can submit bids in order to purchase a product with a better price. In Tedeschi, the agent companies like ClickTheButton, DealPiltot and RUSure have developed software that scans the price of the selected product from various fixed price shopping sites, thus by adding various dynamic price shopping sites in Tedeschi, the agent companies like ClickTheButton, DealPiltot and RUSure can also scan the price of the selected product from various dynamic price shopping sites, therefore, the user can obtain a better price for the selected product via the dynamic price shopping sites. Moreover, Ojha discloses preparing a bid request and

bid process at ***different online stores simultaneously*** (column 3, lines 5-20).

Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Tedeschi's to adopt the teaching of Ojha, for the purpose of increasing the likelihood that at least one of online stores can offer a price acceptable to the user.

Regarding to claim 25, Tedeschi incorporated with Ojha further disclose upon of the bid list, the user has the further choice to select one or more of the bids, and initiate another round of bids from one or more of the different online stores that provided the select one or more bids (Ojha, column 3, lines 5-20).

Regarding to claim 26, Tedeschi incorporated with Ojha further disclose the bid request submitted to the different online stores includes a price for the product obtained from the product page (Ojha, figure 8).

Regarding to claim 27, Tedeschi incorporated with Ojha further disclose the selectable icon is displayed with the product page on the web browser (Tedeschi, page 2, a bull's-eye icon in the corner of the screen).

Regarding to claim 28, Tedeschi incorporated with Ojha further disclose the bid list is displayed with the product page on the web browser (Tedeschi, page 2, a price comparison page appears listing competitors prices for the item).

Regarding to claim 29, Tedeschi incorporated with Ojha further disclose the information obtained regarding the product offered by the first online store includes a name, price and attributes (Tedeschi, page 2, Amazon.com displays information regarding to the book, title of the book, price, shipping price).

Regarding to claim 30, Tedeschi incorporated with Ojha further disclose the first online store and the different online stores are preferred online stores (Tedeschi, page 2, e.g. Amazon.com, 1Bookstreet.com).

Regarding to claim 31, Tedeschi incorporated with Ojha further disclose the bid process comprises an auction in real-time (Ojha, column 3, lines 5-20).

Claims 32-35 contain similar limitations found in claims 24, 25, 27, 28 discussed above, are therefore rejected by the same rational.

Conclusion

7. Claims 1-35 are rejected.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (571) 272-6796. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on (571) 272-6799.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3600.

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
C/o Technology Center 3600

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Washington, DC 20231


Or faxed to:

(703) 872-9306 (for formal communication intended for entry),

or

(571) 273-0325 (for informal or draft communication, please label
"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Knox building, 501 Dulany
Street, Alexandria, VA, First Floor (Receptionist).


NGA NGUYEN
PRIMARY EXAMINER

July 27, 2006